

Gregory J. Yu (State Bar No. 133955)
GLOBAL LAW GROUP
2015 Pioneer Court, Suite P-1
San Mateo, CA 94403
Telephone: (650) 570-4140
Facsimile: (650) 570-4142
E-mail: glgroup [at] inreach [dot] com

Attorney for Plaintiffs and Proposed Class and Subclasses

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KINDERSTART.COM LLC, a California
limited liability company, on behalf of itself and
all others similarly situated,

Plaintiffs,

v.

GOOGLE, INC., a Delaware corporation,
Defendant.

Case No. C 06-2057 JF

**DECLARATION OF GREGORY J. YU
IN SUPPORT OF PLAINTIFF'S
MOTION UNDER LOCAL RULE 6-3
FOR ORDER SHORTENING TIME FOR
MOTION FOR SPECIFIED DISCOVERY**

I, GREGORY J. YU, HEREBY DECLARE AS FOLLOWS:

1. I am legal counsel to plaintiff KinderStart.com LLC ("KSC") in the above action and am authorized by my client to make this declaration in support of Plaintiff's motion for an order shortening time for motion for specified discovery by Plaintiffs.

2. Plaintiffs have timely filed its opposition to Defendant's Special Motion to Strike Pursuant to California Code of Civil Procedure ("CCP") § 425.16 on June 9, 2006, which is 21 days prior to the calendared hearing date of June 30, 2006.

3. On June 6, 2006, I had a telephone conversation with counsel to Defendant, David H. Kramer, of Wilson, Sonsini, Goodrich & Rosati about Plaintiffs' need to conduct discovery on PageRank™ in connection with its defamation and libel count. Mr. Kramer indicated that if a request were submitted, it could be considered by Google the following week.

1 In so responding, he indicated that Google would likely object to such discovery because of trade
2 secret protection.

3 4. On June 13, 2006, I sent a letter to Mr. Kramer as an informal request for
4 specified information from Google on PageRank determination of www.kinderstart.com and of
5 other Websites generally. This was required for Plaintiff's assembly of evidence to demonstrate
6 a likelihood of its success on the defamation and libel count, in connection with its procedural
7 burden under CCP § 425.16(b). I requested a reply from Google by June 15, 2006.

8 5. On June 15, 2006, Mr. Kramer replied timely to my June 13, 2006 letter. He
9 indicated that a response to KSC's request was not possible due to the time constraints of the
10 filing Google's reply to Plaintiffs' two oppositions to Google's pending motions and the current
11 unavailability of his contact person at Google until June 19, 2006.

12 6. By e-mail, Mr. Kramer and I confirmed our mutual availability for a hearing date
13 of August 4, 2006 for a proposed motion by plaintiffs for discovery of PageRank information.

14 7. Today, on June 16, 2006, I requested a stipulation of Mr. Kramer to continue the
15 hearing date for the anti-SLAPP motion in order to allow the Court and plaintiff sufficient time
16 to address the discovery requirements of plaintiff in connection with the pending anti-SLAPP
17 motion. On behalf of Defendant, Mr. Kramer declined to accept this stipulation by the close of
18 business today.

19 8. On today's date, I requested a stipulation of Defendant to have the motion for
20 specified discovery heard on June 30, 2006, with the conditions that (a) Defendant's opposition
21 would be due June 23, 2006 and (b) Plaintiff would waive its right to a reply. On behalf of
22 Defendant, Mr. Kramer declined to accept this stipulation by the close of business today.

23 I DECLARE UNDER PENALTY OF PERJURY, that the above is true and correct and
24 based on my personal knowledge.

25 Executed on this 16th day of June, 2006 in San Mateo, California.

26
27 By: s/s Gregory J. Yu
GREGORY J. YU